

NO. 5:10-CR-219-BO-1

v.


ORDER

In keeping with the true nature of Mr. Gray's motion, and to avoid the consequences attendant to filing a section 2255 motion as listed in 28 U.S.C. § 2255(h), this motion shall be considered as a motion pursuant to 18 U.S.C. § 3582(c) in Mr. Gray's criminal case, No. 5:10-CR-219-BO. The civil case, No. 5:12-CV-82-BO, shall be closed.

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Eastern District of North Carolina is hereby appointed to represent Mr. Gray. The United States seeks an order holding this motion in abeyance based on the Standing Order [DE 119 at 1]. The Court will not rule on this motion until the Federal Public Defender responds, within 20 days of the date of entry of this order. If the Federal Public Defender agrees that Mr. Gray's motion should be held in abeyance, it may file a proposed order to that effect with its response.

SO ORDERED, this the 28 day of March, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE